

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

ROBIN U. IGWE-WILLIAMS and	:	CIVIL DIVISION
TYRONE E. WILLIAMS,	:	
	:	
Plaintiffs,	:	Civil Action No.: 2:22-cv-13
	:	
v.	:	
	:	<i>Electronically Filed</i>
WAL-MART STORES EAST, L.P.,	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores East, L.P. (hereinafter “Walmart”) asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about December 10, 2021 in the Court of Common Pleas of Allegheny County, Pennsylvania, against Walmart. (A true and correct copy of this Complaint is attached as Exhibit “A”).

2. Walmart was served with the Complaint out of state by certified mail on December 22, 2021.

3. Walmart has not yet answered or otherwise responded to Plaintiffs’ Complaint.

4. Plaintiffs are married and both residents of Allegheny County, Pennsylvania. See Exhibit A at ¶¶ 1–2.

5. The Walmart store at issue in the Complaint is located at 100 Walmart Drive, North Versailles, PA 15137. Walmart stores in this area of the country, including the store at issue, are operated by Wal-Mart Stores East, L.P.

6. Wal-Mart Stores East, L.P., is a foreign limited partnership formed in the State of Delaware with a principle place of business in Bentonville, Arkansas.

7. The partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general partner) and WSE Investment, LLC (limited partner). Both partners are Delaware limited liability companies with principal places of business in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. Finally, the sole shareholder of Wal-Mart Stores East, LLC is Walmart, Inc., a Delaware corporation with a principal place of business in Arkansas.

8. Accordingly, no partner or controlling entity of Defendant Wal-Mart Stores East, L.P. is a citizen of, or has a principal place of business in the Commonwealth of Pennsylvania.

9. Among other injuries, it is understood that Plaintiff-wife claims damages for a serious injury to her right ankle and right great toe, as well as an allegoric reaction/catastrophic reaction to medication taken to treat her injuries. Plaintiffs also claims damages for ongoing pain, suffering, loss of enjoyment of life, and costs of medical treatment. See Exhibit A, ¶¶ 11–12.

10. Based on these alleged injuries and damages, it is believed and therefore averred that if this case were taken to trial, Plaintiffs' counsel would assert and present evidence that the case has a value in excess of \$75,000.00.

11. Indeed, by an email exchange on December 27, 2021, Plaintiffs' counsel refused a proposed stipulation to cap damages in this matter at \$74,999.99.

12. This Notice of Removal is filed within thirty (30) days after Plaintiffs served upon Walmart their Complaint setting forth the Plaintiffs' claim for relief, and within one (1) year of

the commencement of this matter by Plaintiff on December 10, 2021; thus, it is timely filed pursuant to 28 U.S.C. §1446(b)(1) and (c).

13. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

14. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Allegheny, Pennsylvania, as required by 28 U.S.C.A. §1446(d)

WHEREFORE, Defendant Wal-Mart Stores East, L.P. requests that this action now pending in the Court of Common Pleas of Allegheny County at GD 21-014860 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 1/04/2022

BY: /s/ G. Richard Murphy
G. Richard Murphy
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*Counsel for the Defendant,
Wal-Mart Stores East, L.P.*

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the NOTICE OF REMOVAL has been served on all counsel of record, via electronic mail only, on the 4th day of January, 2021.

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Counsel for Plaintiffs, Robin U. Igwe-Williams and Tyrone E. Williams

/s/ G. Richard Murphy

G. Richard Murphy

***Counsel for the Defendant,
Wal-Mart Stores East, L.P.***